

### **REMARKS**

This Amendment responds to the Office Action mailed October 29, 2008. Claims 1-26 and 30-35 are pending in the Application after this amendment. Claims 17, 20, 21, and 22 have been amended and new claims 30-35 have been added. In view of the foregoing amendments, as well as the following remarks, Applicant respectfully submits that this application is in complete condition for allowance and requests reconsideration of the rejections.

#### **Claims Rejected Under 35 U.S.C. §112**

Claims 20- 22 stand rejected under 35 U.S.C. §112, second paragraph, with respect to the recitation of “may” in these claims. Claims 20, 21, and 22 have been amended to delete the term “may.” Accordingly, Applicant respectfully requests that the rejections of claims 20-22 under 35 U.S.C. §112 be withdrawn.

#### **Claims Rejected Under 35 U.S.C. §102**

Claims 17, 20, and 22 stand rejected under 35 U.S.C. §102(b) as being anticipated by *Whitmore, Andy; The Corporate Report (Kansas City, MO, US), v15, n6, s1 p46, June 1989: “Downtown Revival”* (hereinafter, “Whitmore”). Claim 17 is the only independent claim of this group of rejected claims. Claim 17 has been amended to recite “obtaining at least one of marketing or psychological data on furniture attractive to a plurality of customers of particular demographics associated with corresponding pluralities of lifestyles.” No new matter is introduced by way of this amendment, as the

recitation thereof is fully supported in the specification. See, for example, Application at paragraphs 0016, 0018, and 0039. Claim 17 has also been amended to recite arranging a retail furniture display according to the data, the display having furniture groupings decorated and positioned to identify customers of different ones of the plurality of lifestyles. Applicant respectfully traverses the rejection of claim 17 because Whitmore fails to disclose each and every element recited in amended claim 17.

Whitmore discloses the gallery approach to furniture display, defined by the display of furniture “as it would be grouped in someone’s home.” (Whitmore at paragraph 21). By Examiner’s own admission, in the discussion of Whitmore (Office Action at pp. 10-11), “a grouping of furniture and accessories as it would be in a home is showing a lifestyle” (emphasis added). While a home may include a plurality of rooms, these may have furniture and/or accessories corresponding to a single lifestyle and therefore not necessarily corresponding to a plurality of lifestyles. Thus, there is no disclosure in Whitmore of a plurality of lifestyles, much less a disclosure of arranging a retail furniture display according to the obtaining of the at least one of marketing or psychological data, with the display having furniture groupings decorated and positioned to identify customers of different ones of the plurality of lifestyles, as set forth in claim 17. Further, there is no disclosure in Whitmore of obtaining at least one of marketing or psychological data on furniture attractive to customers of a plurality of demographics associated with corresponding pluralities of lifestyles, as set forth in claim 17. For at least these reasons, Whitmore fails to disclose each and every element recited in claim 17 and the claim is therefore allowable.

Applicant asserts that dependent claims 20 and 22 are also allowable, at least by virtue of depending from allowable claim 17. Applicant further traverses the rejection of claim 22 because Whitmore fails to disclose determining “what furniture accessories and other non-furniture products are attractive to the customers of particular demographics,” as set forth in amended claim 22. Rather, Whitmore only discloses grouping objects to be displayed based on how they would be used in their intended environment. For at least these reasons, Applicant respectfully requests that the rejections of claims 20 and 22 over Whitmore be withdrawn.

#### **Claims Rejected Under 35 U.S.C. §103**

Claims 18 and 19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Whitmore in view of *Kelly, Mary Ellen; Discount Store News, v 28, n19, p111(2), October 16, 1989: “A Surprisingly New Style for Sears”* (hereinafter “Kelly”). Claims 18 and 19 depend from independent claim 17. Applicant respectfully traverses the rejections of claim 18 and 19 for at least the same reasons discussed above for claim 17, and because Kelly fails to cure the deficiencies of Whitmore. Specifically, Kelly fails to disclose obtaining at least one of marketing or psychological data on furniture attractive to a plurality of demographics associated with a corresponding plurality of lifestyles, as set forth in amended claim 17. Accordingly, the combined disclosures of Whitmore and Kelly fail to teach all elements of claims 18 and 19 and Applicant respectfully requests that the rejections of these claims be withdrawn.

Claim 21 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Whitmore in view of *Bonk, Eugene T.; Journal of Small Business Management, v34, n1, pp71-77, January 1986: "The information revolution and its impact on SME strategy"* (hereinafter, "Bonk"). Claim 21 depends from independent claim 17. Bonk is cited as allegedly teaching employing computerized marketing correlation data techniques to identify what furniture accessories and other non-furniture products may be marketable to the customers so attracted to the respective areas of the store (Office Action at p. 5). The Examiner cites paragraph 10 of Bonk as allegedly providing such teaching. The cited paragraph in Bonk discloses "an information network that gathers data on markets, customer needs, newest design and production methods, etc." Contrary to the Examiner's assertion, the cited paragraph does not disclose employing computerized marketing correlation data techniques, much less correlation data techniques, to identify what furniture accessories and other non-furniture products are attractive to the customers of particular demographics so attracted to the respective areas of the store, as set forth in claim 21. The rejection of this claim is therefore improper, and claim 21 is allowable for at least this reason.

Moreover, Bonk fails to disclose arranging a retail furniture display according to the obtaining of the at least one of marketing or psychological data, with the display having furniture groupings decorated and positioned to identify customers of different ones of the plurality of lifestyles, as set forth in claim 17, from which claim 21 depends. Accordingly, Applicant respectfully submits that claim 21 is also allowable by virtue of depending from allowable claim 17.

Claims 1, 7, 8, and 23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kelly in view of *Broderick, J. Raymond; Geyer's Office Dealer, v154, n11, p64(2), November 1989: "It doesn't come cheap, so use retail space wisely"* ("Broderick") and further in view of the Examiner's *Official Notice* regarding an entry space. Claims 1, 7 and 23 are all independent claims. Applicant respectfully traverses the rejections of claims 1, 7 and 23 because Kelly fails to disclose a plurality of pods, each with home furnishings and decorative accessories being identifiable with different styles or lifestyles, as set forth in each of claims 1, 7, and 23. Kelly discloses a store interior having an "art deco feel with a sleek contemporary" design and further discloses groupings of furniture such as "an area merchandising dinette sets" and a "ready-to-assemble furniture area" (Kelly at paragraphs 13 and 18). In other words, Kelly discloses at most a single lifestyle (i.e., the art deco feel with a sleek contemporary design) or, under a more reasonable interpretation, an arrangement of furniture that is clearly not associated with any particular lifestyle, but rather in accordance with the type of furniture being displayed, as evidenced by the grouping by type of furniture (e.g., dinettes, ready-to-assemble furniture, rows of rockers and recliners) (Kelly at paragraphs 18 and 19).

Broderick is cited as allegedly disclosing a checkout location within a store enclosure (Office Action at p.6). The Official Notice is asserted with respect to an entry space communicating and providing pedestrian passage between the outside of the enclosure and the array of aisles of the display area (Office Action at p. 6). However, neither Broderick nor the Official Notice discloses a plurality of pods, each with home

furnishings and decorative accessories being identifiable with different styles or lifestyles, as set forth in each of claims 1, 7, and 23. Broderick suggests an arrangement of stationary products such as file folders, writing instruments, mending tapes, and greeting cards, where these products are located in specific locations within a store, as evidenced by the discussion in Broderick of whether to locate greeting cards at the front of the store or the back of the store (Broderick at paragraphs 9-11), but does not disclose an arrangement of home furnishings and decorative accessories being identifiable with different styles or lifestyles.

Accordingly, neither Kelly alone nor in combination with Broderick and/or the asserted Official Notice discloses all elements set forth in each of claims 1, 7, and 23 and these claims are therefore allowable. Applicant therefore respectfully requests that the rejections of claims 1, 7, and 23 be withdrawn.

Claim 8 depends from independent claim 7 and is allowable for at least the reasons discussed above for claim 7. Accordingly, Applicant respectfully requests that the rejections of claim 8 also be withdrawn.

Claims 2, 11, and 12 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of Kelly, Broderick, and the Official Notice discussed above, in further view of *Garet, Barbara; Wood & Wood products, v98, n5, p39(3), April 1993: Taking the mystery out of furniture manufacturing* (hereinafter, "Garet") and *Gilbert, Les; HFD-The Weekly Home Furnishings Newspaper, v63, n37, p8(3), September 11, 1989: "Merchandising By Video; interactive electronic kiosks: the wave of the future?"* (hereinafter, "Gilbert"). Claim 2 depends from claim 1, while claims 11

and 12 depend from claim 7. Applicant respectfully traverses the rejections of claims 2, 11, and 12 because the combination of Kelly, Broderick, and the Official Notice fails to disclose each and every element of claims 1 and 7, as discussed above, and because Garet and Gilbert fail to cure these deficiencies. Garet is cited as allegedly disclosing a first information display in an entry space depicting a process of manufacturing furniture (Office Action at p. 7). Gilbert is cited as allegedly disclosing a second informational display depicting facts relating to a retail entity associated with the store (Office Action at p. 7). However, Garet and Gilbert each fail to disclose a plurality of pods, each with home furnishings and decorative accessories being identifiable with different lifestyles, as set forth in each of independent claims 1 and 7, from which the rejected claims respectively depend. For at least these reasons, claims 2, 11, and 12 are in condition for allowance and Applicant respectfully requests that the rejections of claims 2, 11, and 12 be withdrawn.

Claims 3 and 13 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of Kelly, Broderick, and the Official Notice discussed above, in further view of *Szymanski, Jim; The News Tribune, pD1, May 3, 2000: "Selden's to open midprice outlet"* (hereinafter, "Szymanski"). Claim 3 depends from independent claim 1 and claim 13 depends from independent claim 7. Applicant respectfully traverses the rejections of claims 3 and 13 because the combination of Kelly, Broderick and the Official Notice fails to disclose each and every element recited in claims 1 and 7, as discussed above, and because Szymanski fails to cure these deficiencies. Szymanski is cited as allegedly disclosing a design center location within the store

enclosure (Office Action at p. 8). However, Szymanski fails to disclose a plurality of pods, each with home furnishings and decorative accessories being identifiable with different lifestyles, as set forth in each of independent claims 1 and 7, from which the rejected claims respectively depend. Accordingly, each of claims 3 and 13 recites a combination of elements neither disclosed nor obvious in view of the combined teachings of Kelly, Broderick, the Official Notice, and Szymanski, and these claims are therefore allowable for at least these reasons. Applicant respectfully requests that the rejections of claims 3 and 13 be withdrawn.

Claims 4, 5, 14, and 15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of Kelly, Broderick, and the Official Notice discussed above, in further view of *Palmer, Kelly; Springfield Business Journal (Springfield, MO, US), v11, n16, s1, p1, November 5, 1990: "Mulhollan to Open Second Store, Expand Product Line"* (hereinafter, "Palmer"). Claims 4 and 5 depend from independent claim 1 and claims 14 and 15 depend from independent claim 7. Applicant respectfully traverses the rejections of claims 4, 5, 14, and 15 because the combination of Kelly, Broderick, and the Official Notice fails to disclose each and every element of claims 1 and 7, as discussed above, and because Palmer fails to cure these deficiencies. Palmer is cited as allegedly disclosing an office area within the store enclosure (Office Action at p. 8). However, Palmer fails to disclose a plurality of pods, each with home furnishings and decorative accessories being identifiable with different lifestyles, as set forth in each of independent claims 1 and 7, from which the rejected claims respectively depend. Accordingly, each of claims 4, 5, 14, and 15 recites a combination of elements

neither disclosed nor obvious in view of the combined teachings of Kelly, Broderick, the Official Notice, and Palmer, and the claims are therefore allowable. For at least these reasons, Applicant respectfully requests that the rejections of claims 4, 5, 14, and 15 be withdrawn.

Claims 6 and 16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of Kelly, Broderick and the Official Notice discussed above, in further view of *Engel, Clint; Furniture Today, p6, August 24, 1998: "Ikea's big Chicago store to feature three homes"* (hereinafter, "Engel"). Claims 6 and 16 respectively depend from independent claims 1 and 7. Applicant respectfully traverses the rejections of claims 6 and 16 because the combination of Kelly, Broderick, and the Official Notice fails to disclose each and every element of claims 1 and 7, as discussed above, and because Engle fails to cure these deficiencies. Engel is cited as allegedly disclosing at least one pod including wall partitions internal to the pods dividing the pods physically and visually into a plurality of rooms (Office Action at p. 8). However, Engel fails to disclose a plurality of pods, each with home furnishings and decorative accessories being identifiable with different lifestyles, as set forth in each of independent claims 1 and 7, from which the rejected claims respectively depend.

Further, and contrary to Examiner's assertion, Engel does not disclose any wall partitions, much less any wall partitions dividing pods physically and visually into a plurality of rooms, as set forth in the rejected claims. Engel only discloses a store that "will feature three full-home displays in its newest store to further the concept of room settings." Accordingly, each of claims 6 and 16 recites a combination of elements that

is neither disclosed nor obvious in view of the combined teachings of Kelly, Broderick, the Official Notice, and Engel, and the claims are therefore allowable.

Claims 9 and 10 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of Kelly, Broderick, and the Official Notice discussed above, in further view of *Herlihy, Janet; HFN, The Weekly Newspaper for the Home Furnishing Network, p28(1), October 26, 1998: "Rugs Gain Ground at Ikea"* (hereinafter, "Herlihy"). Claims 9 and 10 depend from independent claim 7. Applicant respectfully traverses the rejections of claims 9 and 10 because the combination of Kelly, Broderick, and the Official Notice fails to disclose each and every element of claim 7, as discussed above, and because Herlihy fails to cure these deficiencies. Herlihy is cited as allegedly disclosing groupings of furniture associated with the lifestyles of pods adjacent thereto. (Office Action at p. 9). However, Herlihy fails to disclose a plurality of pods, each with home furnishings and decorative accessories being identifiable with different lifestyles, as set forth in each of independent claim 7, from which the rejected claims depend. Rather, Herlihy discloses groupings of furniture and/or accessories by type, exemplified by the disclosure of a "rug department" (paragraph 5) and by the disclosure of "category sections" (paragraph 6). Moreover, and contrary to Examiner's assertion, there is no disclosure in Herlihy of groupings of furniture associated with the lifestyles of pods adjacent thereto, as set forth in claim 9. Accordingly, each of claims 9 and 10 recites a combination of elements that is neither disclosed nor obvious in view of the combined teachings of Kelly, Broderick, the Official Notice, and Herlihy. Claims 9 and 10 are therefore allowable at least for these reasons.

Claims 24, 25, and 26 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kelly in view of Broderick. Claim 24 is the only independent claim of this group of rejected claims and is directed to a retail furniture store having a plurality of pods, each pod corresponding to a furnished room decorated according to a respective lifestyle, and a plurality of aisles segmenting the plurality of pods into a plurality of sets of one or more related pods. Applicant respectfully traverses the rejection of claim 24 because the combination of Kelly and Broderick fails to disclose each and every element of the claim.

Specifically, Kelly fails to disclose a plurality of pods, with each pod corresponding to a furnished room decorated according to a respective lifestyle, as set forth in claim 24. Rather, Kelly discloses a store interior having an “art deco feel with a sleek contemporary” design and further discloses groupings of furniture such as “an area merchandising dinette sets” and a “ready-to-assemble furniture area” (Kelly at paragraphs 13 and 18). In other words, Kelly discloses at most a single lifestyle (i.e., evidenced by the art deco feel with a sleek contemporary design) or, under a more reasonable interpretation, rooms that merely group furniture by type of furniture (e.g., dinettes, ready-to-assemble furniture, rows of rockers and recliners) (Kelly at paragraphs 18 and 19) rather than being decorated according to a respective lifestyle, as set forth in claim 24.

Broderick fails to cure the deficiencies of Kelly. Broderick is cited as allegedly disclosing each corresponding furniture display being located at an end of one of the aisles (Office Action at p. 10). As discussed above, the disclosure of Broderick

suggests an arrangement of stationary products such as file folders, writing instruments, mending tapes, and greeting cards, where these products are located in specific locations within a store, as evidenced by the discussion in Broderick of whether to locate greeting cards at the front of the store or the back of the store (Broderick at paragraphs 9-11). In other words, Broderick does not disclose a plurality of pods, much less a plurality of pods wherein each pod corresponds to a furnished room decorated according to a respective lifestyle. Accordingly, the combined teachings of Kelly and Broderick fail to disclose each and every element set forth in claim 24, and the claim is therefore allowable. Applicant respectfully requests that the rejection of claim 24 be withdrawn.

Claims 25 and 26 each depend from claim 24 and are in condition for allowance for at least the same reasons discussed above with respect to claim 24. Accordingly, Applicant respectfully requests that the rejections of claims 25 and 26 also be withdrawn.

### **New Claims**

Claims 30-35 have been added and each depends from one of independent claims 1, 7, or 17. Claims 30 and 32 further recite a product in at least one of the pods displaying service-related information associated with the respective lifestyle in the at least one of the pods. Claims 31 and 33 further recite wherein the product includes one of communication services, travel services, sports or entertainment services, grooming services or health related products or services. Claim 34 further recites arranging

products displaying service-related information associated with particular ones of the plurality of lifestyles, and claim 35 recites language that mirrors the language of new claims 31 and 33 in method form.

No new matter is introduced by new claims 30-35, as they are fully supported in the specification. See, for example, Application at paragraph 0018. New claims 30-35 are allowable at least by virtue of depending from an allowable claim, and because none of the references of record discloses a product in at least one of the pods displaying service-related information associated with a respective lifestyle in the at least one of the pods, much less wherein the product includes one of communication services, travel services, sports or entertainment services, grooming services or health related products or services. Applicant therefore respectfully requests early and favorable indication of allowance of claims 30-35.

### **Conclusion**

In view of the foregoing amendments to the claims and the remarks set forth herein, Applicant believes this application is in condition for allowance and respectfully requests allowance of the pending claims. If the Examiner believes any matter requires further discussion, the Examiner is respectfully asked to telephone the undersigned attorney so that the issue may be promptly resolved. The Examiner's prompt attention to this matter is appreciated.

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Amendment dated February 20, 2009

Applicant does not believe that any fee is due in connection with this submission other than the fee of \$130 for a one-month extension of time. However, if any additional fees are necessary to complete this communication, the Commissioner may consider this to be a request for such and charge any necessary fees to Deposit Account No. 23-3000.

Respectfully submitted,

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